

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America )  
 v. )  
 DEWAYNE S. RAINEY ) Case No: 5:06-CR-40-1F  
 ) USM No: 50253-056  
 Date of Previous Judgment: February 6, 2007 )  
 (Use Date of Last Amended Judgment if Applicable) ) Defendant's Attorney Pro Se

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the \_\_\_\_\_ defendant \_\_\_\_\_ under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_ months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_ Amended Offense Level: \_\_\_\_\_  
 Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_  
 Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain) :

**III. ADDITIONAL COMMENTS**


The offense level resulted from application of the career offender or armed career criminal guideline.

Except as provided above, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 12/31/08

Effective Date: \_\_\_\_\_  
 (if different from order date)

  
 Judge's signature  
 James C. Fox, Senior U.S. District Judge  
 Printed name and title